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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

8 Plaintiff(s),

9 v.

10 STEVEN GRIMM, et al.,

11 Defendant(s).

Case No. 2:08-CR-64 JCM (GWF)

**ORDER**

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13 Presently before the court is the matter of *United States of America v. Grimm et al*, case  
14 number 2:08-cr-00064-JCM-GWF.

15 On July 5, 2017, the Ninth Circuit issued a memorandum order that, in relevant part,  
16 reversed the orders of forfeiture as to Steven Grimm and Eve Mazzarella. (ECF No. 680). The  
17 order notes that co-defendant Beecroft's order of forfeiture was vacated in a related appeal.<sup>1</sup> *Id.*  
18 Thereafter, Grimm filed an application for writ of certiorari to the Supreme Court. (ECF No. 687).  
19 On November 6, 2017, the Court denied Grimm's application. (ECF No. 688).

20 On January 8, 2018, the court ordered the parties to file a joint status report that included a  
21 proposed schedule on remand. (ECF No. 689). On January 26, 2018, the parties filed a joint status  
22 report. (ECF No. 690).

23 The parties' joint status report indicates that they will resolve this matter as quickly as  
24 possible. *Id.* However, as the government attorneys who prosecuted the case are no longer with  
25 the U.S. attorney's office, the government requires time to prepare its position on the issues before  
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27 <sup>1</sup> The parties' joint status report states that the Ninth Circuit filed a mandate as to co-  
28 defendant Melissa Beecroft on October 12, 2016. (ECF No. 690); *see United States of America v.*  
*Beecroft*, No. 12-10175, Doc. # 73. However, this mandate was never filed in the district court  
case.

1 the court. *Id.* Counsel for the defendants also require time to try to settle the matter for each client  
2 prior to litigation. *Id.*

3 The parties propose a schedule as follows:<sup>2</sup>

- 4 • In the beginning of February, [counsel for defendant Grimm] and a LL USAO [representative]  
5 will meet to determine how many gigabytes will be needed for [counsel for defendant Beecroft's]  
6 receptacle so it will be there when the burning of evidence occurs.
- 7 • [Counsel for defendant Grimm] and the AUSA will meet to discuss the case and burn copies for  
8 the government and [counsel for defendant Beecroft]. . . .
- 9 • Each month as the records are processed, the AUSA will inform the attorneys how far his review  
10 has progressed and what documents he has determined to be used. At the same time, counsel for  
11 the defendants can be processing the records to determine what will address the *Honeycutt* issue  
12 and the Eighth Amendment issues so the data base of exhibits for this court can be built to inform  
13 and to assist this court in its decision on these two issues for each defendant.
- 14 • In August, 2018, - or before if the AUSA can process the evidence quickly enough, - the AUSA  
15 and counsel for each defendant will attempt to settle the *Honeycutt* issue and the Eighth  
16 Amendment issue, if needed. If the AUSA cannot meet the August, 2018 schedule because more  
time is needed to review and to organize the evidence, the government will request an extension  
of time.
- If a dollar amount cannot be resolved between the government and each defendant, the AUSA  
will prepare a motion for each defendant addressing the *Honeycutt* issue as it applies to that  
defendant's facts; in other words, AUSA will file three motions, one for each defendant, unless  
settlement occurs. AUSA will also file a motion for each defendant addressing the Eighth  
Amendment as it applies to that defendant's facts. Defendants will respond if the government  
files motions. The Government will file replies.

17 (ECF No. 690).

18 Based on the complexities presented by the case, the court will adopt the parties' proposed  
19 schedule.

20 Accordingly,

21 IT IS SO ORDERED.

22 DATED February 6, 2018.

23   
24 UNITED STATES DISTRICT JUDGE

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28 <sup>2</sup> This schedule is taken from the parties' joint status report, with edits to clarify the parties'  
roles in the litigation. (ECF No. 690).